

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

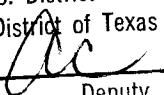
for the

Western District of Texas

Filed

1-10-12
Clerk, U. S. District Court
Western District of Texas

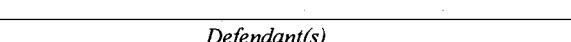
By


Deputy

United States of America

v.

Case No. SA-12-17M

HERNANDEZ-Mendez, Mario Fernando
A77 614 180
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 7, 2012 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326(b)(2)

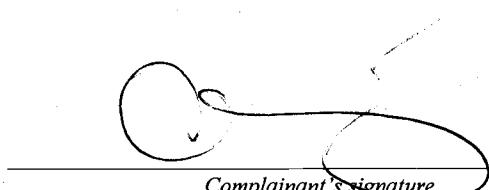
Being an alien, was found in the United States having been denied admission, excluded, deported, and removed there from on or about December 15, 2005, and that the defendant had not received the consent of the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557) to reapply for admission to the United States, being voluntarily in the United States unlawfully.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT



Continued on the attached sheet.


Complainant's signature

Aurea Carranza, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: January 10, 2012


Judge's signature

City and state: San Antonio, Texas

Honorable Pamela A. Mathy, U.S. Magistrate Judge

Printed name and title

Maximum Penalties:

20 years confinement, \$250,000 Fine or Both; 3 years supervised release, \$100 mandatory special assessment

AFFIDAVIT

Being duly sworn, I declare that the following is true and correct to the best of my knowledge.

My name is Aurea Carranza and I am a Deportation Officer with Immigration and Customs Enforcement (ICE) and I have been employed since April 29, 2007. I was previously employed with Customs and Border Protection for 11 ½ years as a Border Patrol Agent. I am authorized by the United States Department of Homeland Security to enforce the Immigration Laws and Regulations of the United States or any other Laws or Regulations designated by the Attorney General or his successor, the Secretary of the Department of Homeland Security.

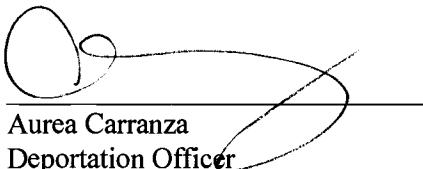
On January 7, 2012, Mario Fernando HERNANDEZ-Mendez (HERNANDEZ) was encountered at the City of San Antonio Magistrate Office in San Antonio, Texas, subsequent to an arrest for Driving while Intoxicated. Immigration Enforcement Agent (IEA) Beri Dave conducted an interview of HERNANDEZ to determine his alienage and citizenship. After it was determined that HERNANDEZ was a foreign born national present within the United States illegally, an Immigration Detainer was issued upon him.

On January 9, 2012, HERNANDEZ was released to ICE - Criminal Alien Program. HERNANDEZ's fingerprints were submitted through the Immigration and FBI databases which verified his identity. The databases also revealed that HERNANDEZ was a citizen or national of Honduras with assigned Alien Registration Number A077 614 180. A review of the Alien Registration File for A077 614 180 indicated that HERNANDEZ was an alien previously removed from the United States to Honduras on or about December 15, 2005. HERNANDEZ was advised about his Miranda Rights.

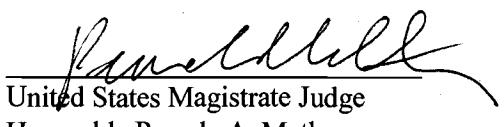
Immigration databases also revealed that HERNANDEZ has not been granted permission to reapply for admission from the Attorney General of the United States, or his successor, after deportation/removal.

The defendant was advised about his right to a consular notification and the Consulate of Honduras was notified about HERNANDEZ's arrest on January 9, 2012.

On or about September 27, 2004, in the 379th District Court of Bexar County Texas, HERNANDEZ was convicted of Attempted Sexual Assault and was sentenced to 3 years imprisonment.


Aurea Carranza
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn before me the 10th day of January 2012.


United States Magistrate Judge
Honorable Pamela A. Mathy